
Public Notice

Applicant:
Geis Companies

Date:
Published:
Expires:

**U.S. Army Corps
of Engineers**

In Reply Refer To:

Buffalo District CELRB-CO-R RE: 98-512-0053(2) Section: OH 404

**Application for Permit under Authority of
Section 404 of the Clean Water Act (33 U.S.C. 1344).**

Mr. Fred Geis, on behalf of Geis Companies, 10020 Aurora-Hudson Road, Streetsboro, Ohio 44241-1621, has applied for a Department of the Army permit for authorization to place fill in waters of the United States in connection with the construction of Phase III of the Hudson Industrial Park. The project is located along the Hudson Industrial Parkway, near the junction of Terex and Darrow Roads, in the City of Hudson, Summit County, Ohio.

Department of the Army authorization is required to fill an additional 0.89 acre of wetland and 1,624 linear feet of stream to complete Phase III of the Hudson Industrial Park project. As mitigation for the losses of 0.89 acre of wetland and 1,624 linear feet of stream that are proposed as part of the construction of Phase III of this project, and the subject of this public notice, the applicant proposes that an additional 1.8 acre of on-site land and water be preserved and will contribute \$36,000.00 to the City of Hudson and the Hudson Land Conservancy to enable the purchase and preservation of an off-site parcel which contains approximately 23 acres of wetland and approximately 2,000 linear feet of riparian corridor.

Additional Information: In 1996, construction of Phase I, which included the construction of Industrial Parkway and one building, impacted a total of 0.99 acre of wetland and 423 linear feet of stream. This work was performed in accordance with the terms and conditions of the Nationwide Permit No. 26 that was in effect at that time. In 1998, authorization for Phase II of the project which involved placement of fill in another 0.40 acre of wetland was authorized under the current version of Nationwide Permit No. 26. As mitigation for the unavoidable impacts associated with construction of Phases I and II of the project that included a total of 1.35 acres of wetland and 423 linear feet of stream, the applicant agreed to preserve in perpetuity approximately 3.05 acres of land and water on the Hudson Industrial Park site and to contribute \$35,000.00 to Metro Parks Serving Summit County. Metro Parks Serving Summit County agreed to dedicate these mitigation funds to the preservation, and/or enhancement, and/or restoration of water resources in the Cuyahoga River watershed, Summit County, Ohio.

The project purpose as stated by the applicant is to provide high-wage, high-tech jobs within the City of Hudson.

Location and details of the above described work are shown on the attached maps and drawings.

Questions pertaining to the work described in this notice should be directed to Kathleen M. Ryan, who can be contacted by calling (716) 879-4392, or by e-mail at: Kathleen.M.Ryan@usace.army.mil

There are no registered historic properties or properties listed as being eligible for inclusion in the National Register of Historic Places that will be affected by this project.

In addition, available evidence indicates that the proposed work will not affect a species proposed or designated by the U.S. Department of the Interior as threatened or endangered, nor will it affect the critical habitat of any such species.

This notice is promulgated in accordance with Title 33, Code of Federal Regulations, parts 320-330. Any interested party desiring to comment on the work described herein may do so by submitting their comments, in writing, so that they are received no later than 4:30 pm on the expiration date of this notice.

Comments should be sent to the U. S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199, and should be marked to the attention of Kathleen M. Ryan, or by e-mail at: Kathleen.M.Ryan@usace.army.mil. A lack of response will be interpreted as meaning that there is no objection to the work as proposed.

Comments submitted in response to this notice will be fully considered during the public interest review for this permit application. All written comments will be made a part of the administrative record. Due to resource limitations, this office will normally not acknowledge the receipt of comments or respond to individual letters of comment.

Any individual may request a public hearing by submitting their written request, stating the specific reasons for holding a hearing, in the same manner and time period as other comments.

Public hearings for the purposes of the Corps permit program will be held when the District Commander determines he can obtain additional information, not available in written comments, that will aid him in the decision making process for this application. A Corps hearing is not a source of information for the general public, nor a forum for the resolution of issues or conflicting points of view (witnesses are not sworn and cross examination is prohibited). Hearings will not be held to obtain information on issues unrelated to the work requiring a permit, such as property ownership, neighbor disputes, or the behavior or actions of the public or applicant on upland property not regulated by the Department of the Army. Information obtained from a public hearing is given no greater weight than that obtained from written comments. Therefore, you should not fail to make timely written comments because a hearing might be held.

The decision to approve or deny this permit request will be based on an evaluation of the probable impact, including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among these are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the

preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Paul G. Leuchner
Chief, Regulatory Branch

NOTICE TO POSTMASTER: It is requested that this notice be posted continuously and conspicuously for 30 days from the date of issuance.